

**OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
Northern District of California**

CIVIL MINUTES

Case No.: 19-cv-00410-EMC **Case Name:** Asetek Danmark A/S v. Coolit Systems Inc

Attorney for Plaintiff: Jeff Smyth

Attorneys for Defendant: Deepa Kannappan, Reuben Chen

Deputy Clerk: Angella Meuleman

Court Reporter: Marla Knox

PROCEEDINGS HELD BY ZOOM WEBINAR

[302] Motion For Leave to File held.

SUMMARY

Parties stated appearances.

The Court **grants** CoolIT's motion for leave to amend counterclaims **in part and denies in part** (Docket No. 302). CoolIT may add Asetek USA, Inc. ("Asetek USA") as a defendant, but may not add Xiamen Asetek Computer Industry Co., Ltd. ("Asetek China").

The Court finds that CoolIT demonstrated sufficient diligence under Rule 16. Although CoolIT was aware of the existence of Asetek Danmark's related entities, CoolIT was not aware that such entities made U.S. sales of the products accused in this litigation. CoolIT promptly moved and met and conferred with Asetek Danmark after being apprised of this information.

As to Rule 15, the Court finds that Asetek Denmark will not be prejudiced by adding Asetek USA as a defendant. CoolIT only seeks financial information regarding Asetek USA's sales, and the Court has ordered discovery be focused, narrow, and expedited. However, as to Asetek China, the Court finds that Asetek Denmark will be prejudiced due an anticipated personal jurisdiction dispute which will take time to resolve before discovery can be propounded, and this will upset the case management schedule.

The Court also **orders** the parties to submit a joint statement regarding CoolIT's motion for leave to amend their answers to add estoppel defenses (Docket No. 264). The parties are to state what terms are in agreement or in dispute and set forth the parties' last position. The parties are to submit the joint statement to the Court by November 15, 2021.